

ARC 3626 J. EFW

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES (Small Entity)**

Docket No.  
1148/015

In Re Application Of: **TELLER ET AL.**

MAR 20 2006

| Application No. | Filing Date   | Examiner | Customer No. | Group Art Unit | Confirmation No. |
|-----------------|---------------|----------|--------------|----------------|------------------|
| 09/595,660      | June 16, 2000 | N. Pass  | 23861        | 3626           | 2830             |

Invention: **SYSTEM FOR MONITORING HEALTH, WELLNESS AND FITNESS**

**COMMISSIONER FOR PATENTS:**

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated **March 13, 2006** finally rejecting Claim(s) **104-127, 137-152, 161-164, 167, 171, 172 and 175**

Applicant is a small entity under 37 CFR 1.9 and 1.27.

☒ Applicant claims small entity status. See 37 CFR 1.27

The fee for this Notice of Appeal is: **\$250.00**

☒ A check in the amount of the fee is enclosed.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **50-0525**

☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Dated: **March 16, 2006**

*Signature*

**Barry I. Friedman, Esq.  
Reg. No. 33,695  
Metz Lewis LLC  
11 Stanwix Street, 18th Floor  
Pittsburgh, PA 15222**

03/21/2006 AKELECH1 00000048 09595660

01 FC:2401

250.00 DP

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

**March 16, 2006**

(Date)

*Signature of Person Mailing Correspondence*

**Barry I. Friedman, Esq.**

*Typed or Printed Name of Person Mailing Correspondence*

**(412) 918-1100**

cc: